

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**STABL, INC. f/k/a NEBRASKA
BY-PRODUCTS, INC.; LANT, INC.;
LEON JOHNSON; and ANN
JOHNSON,**

Defendants.

8:16CV233

ORDER

This matter comes before the court on the United States’ Motion for Leave to File First Amended Complaint ([Filing No. 44](#)). Plaintiff notified the court that the motion is opposed by Defendants; however, no Defendant filed a brief opposing the motion by the response deadline of May 31, 2017.¹ Therefore, the Court determines the motion is ripe for review.

Under [Federal Rule of Civil Procedure 15](#), the Court should “freely give leave” to amend a pleading “when justice so requires.” [Fed. R. Civ. P. 15\(a\)](#). Nevertheless, a party does not have an absolute right to amend and “denial of leave to amend may be justified by undue delay, bad faith on the part of the moving party, futility of the amendment or unfair prejudice to the opposing party.” [Amrine v. Brooks](#), 522 F.3d 823, 833 (8th Cir. 2008) (quotation and citation omitted).

The Court’s Order for Initial Progression ([Filing No. 43](#)) provides June 30, 2017, as the deadline for plaintiffs to amend pleadings or add parties. Plaintiff’s instant motion to amend is timely and the case is still in its early stages of progression. Plaintiff seeks to amend its Complaint to add causes of action based on the same statutory authority set forth in the initial Complaint pursuant to the Federal Debt Procedures Act (FDCA), 28 U.S.C. §§ 3301-3308 et

¹ See NECivR [6.1](#) and [7.1\(b\)](#) (Effective December 1, 2016).

seq. The First Amended Complaint additionally contains a request for equitable relief for alter-ego liability based on the same facts alleged in the original complaint. In consideration of the above, and considering that leave to amend should be freely given, the Court finds Plaintiff's motion should be granted. Accordingly,

IT IS ORDERED: The United States' Motion for Leave to File First Amended Complaint ([Filing No. 44](#)) is granted. The United States shall file its Amended Complaint on or before June 16, 2017.

DATED: June 2, 2017.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge